

## IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

### 18.01.34 - CERTIFICATE OF LIABILITY INSURANCE FOR MOTOR VEHICLES

DOCKET NO. 18-0134-0601

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2006.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Title 67, Chapter 52, Idaho Code, and Sections 49-1229, 49-1231, and 49-1608A, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 19, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

House Bill 653, enacted this year, requires that the Director of the Department of Insurance prescribe a form for proof of liability insurance to be used by motor vehicle dealers. The purpose of this rulemaking is to comply with this requirement. Additional changes to the rule have been made to bring it into conformance with Office of the Administrative Rules Coordinator format and style requirements for rules.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The rulemaking is needed to comply with changes to governing law made by House Bill 653, which becomes effective July 1, 2006.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the change is needed to comply with a newly enacted law.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Shad Priest at (208) 334-4250.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 26, 2006.

DATED this 30th of May, 2006.

Shad Priest, Deputy Director  
Idaho Department of Insurance  
700 W. State St. 3<sup>rd</sup> Floor  
PO Box 83720  
Boise, ID 83720-0043  
Phone: (208) 334-4250  
Fax: (208) 334- 4298

THE FOLLOWING IS THE TEXT OF DOCKET NO. 18-0134-0601

**000. LEGAL AUTHORITY.**

The statutory authority for this rule is Title 67, Chapter 52, *Idaho Code*, and Sections 49-1229, ~~and 49-1231, and 49-1608A, Idaho Code.~~ (7-1-93)(7-1-06)T

**001. TITLE AND SCOPE.**

~~Inasmuch as IDAPA 18.01.34, "Certificate of Liability Insurance for Motor Vehicles," was promulgated and became effective August 1, 1983, under the authority of then existing Sections 49-243 and 49-244, Idaho Code, and said Section 49-243 having been repealed by the Idaho legislature (1988 Idaho Sess.Laws, ch.265, sec. 3, p. 571) and Section 49-244 having been amended and redesignated by the Idaho Legislature (1988 Idaho Sess.Laws, ch. 265, sec. 319, p. 738) to its present codification at Section 49-1231, Idaho Code, the Director of the Idaho Department of Insurance deems it advisable to modify and restate this rule to conform to the recent amendments to the statutory framework. The purpose of this rule is to supplement the provisions of Sections 49-1229 and 49-1231, Idaho Code, pertaining to a form for a certificate of liability insurance to be prescribed by the Director of the Department of Insurance; to provide that a currently valid original contract, or a copy thereof, of insurance which demonstrates the existence of current liability insurance coverage against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance or use of a motor vehicle or motor vehicles described thereon in an amount not less than that required by Sections 49-117(16) and 49-1229(1), Idaho Code, and also demonstrates the current existence of any other coverage required by Title 41, Idaho Code, qualifies as a certificate of liability insurance in a form prescribed by the Director of the Department of Insurance; to provide minimum specifications of other documents which will be deemed to qualify as a certificate of liability insurance in a form prescribed by the Director of the Department of Insurance; to provide minimum specifications of other documents which will be deemed to qualify as a certificate of liability insurance in a form prescribed by the Director of the Department of Insurance in lieu of the insurance contract or a copy thereof; to provide an example of a form of a certificate of liability insurance, which is not exclusive, but which shall demonstrate the format of a certificate of liability insurance which will qualify as a form prescribed by the Director of the Department of Insurance; to provide that forms for certificate of liability insurance in lieu of the insurance contract or a copy thereof which deviate from the example of the form of a certificate of liability insurance provided in this rule will also be deemed to be a form prescribed by the Director of the Department of Insurance provided that such forms meet the minimum qualifications of this rule; to provide a form for a certificate of liability insurance which may be issued by the Director of the Department of Insurance pursuant to Idaho Code Sections 49-1229(2) and 49-1231; to provide for the separability of this rule; and to provide for an effective date.~~ (7-1-93)

**01. Title.** These rules shall be cited as IDAPA 18.01.34, "Certificate of Liability Insurance for Motor Vehicles". (7-1-06)T

**02. Scope.** These rules identify requirements for a certificate of liability insurance for motor vehicles pursuant to Sections 49-1229, 49-1331 and 49-1608A, Idaho Code. (7-1-06)T

**002. WRITTEN INTERPRETATIONS.**

This agency does not rely on written interpretations for these rules. (7-1-06)T

**003. ADMINISTRATIVE APPEALS.**

All contested cases shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". (7-1-06)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference. (7-1-06)T

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

**01. Office Hours.** The Department of Insurance is open from 8 a.m. to 5 p.m. except Saturday, Sunday

and legal holidays.

(7-1-06)T

**02.     Mailing Address.** The department's mailing address is: Idaho Department of Insurance, P.O. Box 83720, Boise, ID 83720-0043.

(7-1-06)T

**03.     Street Address.** The principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83702-0043.

(7-1-06)T

**006.     PUBLIC RECORDS ACT COMPLIANCE.**

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho.

(7-1-06)T

**0027. -- 010.     (RESERVED).**

**011.     CONTRACT OF INSURANCE, OR COPY THEREOF -- CERTIFICATE OF LIABILITY INSURANCE.**

The original contract of liability insurance, or copy thereof, which demonstrates the current existence of liability insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance or use of a motor vehicle or motor vehicles described therein in an amount not less than that required by Sections 49-117(18), ~~and~~ 49-1212, and 49-1608A, Idaho Code, and also demonstrates the current existence of any other coverage required by Title 41, Idaho Code, is a form of a certificate of liability insurance prescribed as such by the Director of the Department of Insurance, provided said contract of liability insurance is issued by an insurer or surety authorized to do business in this state. For the purpose of this rule a written binder qualifies as a contract of liability insurance provided that it binds coverage in an amount not less than that required by Section 49-117(18), Idaho Code, and demonstrates the existence of any other coverage required by this rule, and provides further that the binder is not valid beyond issuance of the policy with respect to which it was given or beyond ninety (90) days from its effective date, whichever period is shorter.

(~~7-1-93~~)(7-1-06)T

**012.     MINIMUM SPECIFICATIONS FOR A CERTIFICATE OF LIABILITY INSURANCE IN LIEU OF THE CONTRACT OF INSURANCE, OR COPY THEREOF.**

A document, which meets the minimum specifications provided in this rule, is deemed to be a certificate of liability insurance in a form prescribed by the Director of the Department of Insurance which is acceptable in lieu of an original contract of liability insurance or copy thereof, demonstrating the current existence of liability insurance as ~~heretofore~~ described in Section 011 of this rule. The minimum requirement of a document which will be deemed a certificate of liability insurance in lieu of the original contract of liability insurance, or copy thereof, are as follows:

(~~7-1-93~~)(7-1-06)T

**01.     Individual-Owned Motor Vehicles.**

(7-1-06)T

~~01a.~~     Name of Insurer. The document shall contain the name of the insurer or surety company authorized to do business in this state.

(7-1-93)

~~02b.~~     Name and Address of Motor Vehicle Owner. The document shall set forth the name and address of the owner of the motor vehicle that is insured.

(7-1-93)

~~03c.~~     Description of Motor Vehicles. The document shall set forth a description of the motor vehicle including identification number, if there be one, or in lieu of the identification number, the last three digits of the identification number which is commonly known in the insurance industry as the VIN (Vehicle Identification Number), if there be one vehicle, or in lieu of the vehicle identification number, the words "all owned vehicles" may be used if more than one vehicle is insured.

(7-1-93)

~~04d.~~     Effective Date. The document shall set forth the effective date the liability insurance coverage commences.

(7-1-93)

~~05e.~~     Title of Document. The document may, but is not required to be entitled "Certificate of Liability Insurance" or "Liability Insurance Identification Card". The words "State of Idaho" may be added to the title at the

insurer's option, but the words "State of Idaho" are not required. (7-1-93)

~~06f.~~ Date Coverage Ceases. The document may set forth the date the liability insurance coverage ceases, or in lieu thereof and at the insurer's option, the document may state "not valid beyond \_\_\_\_\_", provided that the phrase is completed to indicate termination of coverage at the end of a fixed period, or "not valid for more than one year," or "continuous until cancelled". (7-1-93)

~~07g.~~ Policy Number. The number of the insurance policy or the document is suggested, but is nevertheless optional and need not be placed on the document. (7-1-93)

~~08h.~~ Suggested Language. The sentence "KEEP THIS CERTIFICATE IN YOUR AUTOMOBILE AT ALL TIMES" is suggested, but nevertheless is optional and need not be placed on the document. (7-1-93)

**02. Dealer and Manufacturer Vehicles. (7-1-06)T**

a. Name of Insurer. The document shall contain the name of the insurer or surety company authorized to do business in this state. (7-1-06)T

b. Name and Address of Dealer or Manufacturer. The document shall set forth the name and address of the dealership and identify the owner(s) (name of dealer, partners, corporation or LLC members) of the motor vehicle that is insured. (7-1-06)T

c. Effective Date. The document shall set forth the effective date the liability insurance coverage commences. (7-1-06)T

d. Title of Document. The document may, but is not required to be entitled "Certificate of Liability Insurance" or "Liability Insurance Identification Card". The words "State of Idaho" may be added to the title at the insurer's option, but the words "State of Idaho" are not required. (7-1-06)T

e. Date Coverage Ceases. The document may set forth the date the liability insurance coverage ceases, or in lieu thereof and at the insurer's option, the document may state "not valid beyond \_\_\_\_\_", provided that the phrase is completed to indicate termination of coverage at the end of a fixed period, or "not valid for more than one year," or "continuous until cancelled". (7-1-06)T

f. Policy Number. The number of the insurance policy or the document is suggested, but is nevertheless optional and need not be placed on the document. (7-1-06)T

**013. EXAMPLE OF A NONEXCLUSIVE FORMAT FOR A DOCUMENT WHICH MEETS THE REQUIREMENTS OF A CERTIFICATE OF LIABILITY INSURANCE IN A FORM PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE.**

**01. Exhibit A.** ~~Appendix~~ Exhibit "A" to this rule is a format for a document which meets the requirements of a certificate of liability insurance as required by Section 49-1231, Idaho Code, in a form prescribed by the Director of the Department of Insurance; provided, however, that the following form is not exclusive, and other formats for documents which meet the minimum specifications provided in Section ~~004~~ 012 of this rule are also deemed to qualify as a certificate of liability insurance in a form prescribed by the Director of the Department of Insurance. (7-1-93)(7-1-06)T

**02. Exhibit B.** Exhibit "B" to this rule is a format for a document which meets the requirements of a certificate of liability insurance for dealers and vehicle manufacturers as required by Section 49-1608A, Idaho Code, in a form prescribed by the Director of the Department of Insurance; provided, however, that the following form is not exclusive, and other formats for documents which meet the minimum specifications provided in Section 012 of this rule are also deemed to qualify as a certificate of liability insurance in a form prescribed by the Director of the Department of Insurance. (7-1-06)T

**014. EXAMPLE OF CERTIFICATE OF LIABILITY INSURANCE TO BE ISSUED BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE.**

**DEPARTMENT OF INSURANCE**  
**Certificate of Liability Insurance for Motor Vehicles**

**Docket No. 18-0134-0601**  
**Temporary and Proposed Rule**

The Director of the Department of Insurance will issue a certificate of liability insurance to the owner(s) of a motor vehicle who posts an indemnity bond in a form approved by the Director of the Department of Insurance, pursuant to Section 49-1229(2), Idaho Code in an amount of not less than fifty thousand dollars (\$50,000) for any one (1) accident of which fifteen thousand dollars (\$15,000) shall be for property damage for each vehicle registered up to a maximum of one hundred twenty thousand dollars (\$120,000) for five (5) or more vehicles. Exhibit "BC" to this rule reflects the format for a certificate of liability insurance to be issued by the Director of the Department of Insurance when an indemnity bond is posted with the Department pursuant to Section 49-1229(2), Idaho Code, in lieu of purchasing a policy of insurance.

~~(7-1-93)~~(7-1-06)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**EXHIBIT "B"**  
**DEPARTMENTAL RULE NO. 34**  
**CERTIFICATE OF LIABILITY INSURANCE**

**DEALER AND VEHICLE MANUFACTURER**

**TO BE COMPLETED BY INSURANCE COMPANY LICENSED TO DO**  
**BUSINESS IN THE STATE OF IDAHO**

<u>EFFECTIVE DATE</u>	<u>EXPIRATION DATE</u>	<u>INSURANCE COMPANY NAME (NOT AGENT)</u>	
<u>INSURANCE COMPANY</u> <u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>

THIS POLICY IS ISSUED TO (NAME OF DEALER, PARTNERS, CORPORATION OR LLC NAME.)

BUSINESS NAME OF DEALER/MANUFACTURER: \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

DEALER NUMBER \_\_\_\_\_

CERTIFY THAT THE FOLLOWING IS TRUE AND CORRECT

The above described policy has been issued and provides limits of coverage required under Section 49-1608A, Idaho Code;  
covers all vehicles manufactured, owned, operated, used or maintained by, or under the control of the named insured; covers  
all persons who, with the consent of the named insured, use or operate vehicles manufactured, owned or maintained by, or  
under the control of, the named insured.

PRINTED NAME OF INSURER'S AUTHORIZED  
REPRESENTATIVE

TELEPHONE NO.

DATE

SIGNATURE OF INSURER'S AUTHORIZED REPRESENTATIVE

INSURER'S STAMP OR SEAL

**EXHIBIT "~~BC~~"**  
**DEPARTMENTAL RULE NO. 34**  
**CERTIFICATE OF LIABILITY INSURANCE**

(Name and Address of Owner(s) of Registered Motor Vehicles):

(Name) (Address)

(Name) (Address)

(Name) (Address)

The above-named owner(s) of the following described motor vehicle(s) with identification number(s):

\_\_\_\_\_

\_\_\_\_\_ in lieu of obtaining a policy of liability insurance has posted bond pursuant to Section 49-1229(2), Idaho Code, in a form approved by the Director of the Department of Insurance:

(Surety)

Bond No. \_\_\_\_\_

Bond Amount \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20.

(SEAL)

Director,

Department of Insurance

## **IDAPA 21 - DIVISION OF VETERANS SERVICES**

### **21.01.01 - RULES GOVERNING ADMISSION, RESIDENCY, AND MAINTENANCE CHARGES IN IDAHO STATE VETERANS HOMES AND DIVISION OF VETERANS SERVICES ADMINISTRATIVE PROCEDURE**

**DOCKET NO. 21-0101-0601**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2006.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 65-202, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 19, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking: This rulemaking is necessary to implement 2006 Idaho Session Laws, Chapter 50, which authorizes the admission of spouses to the Idaho State Veterans Homes.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rulemaking is necessary to comply with deadlines in amendments to governing law.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking will have no fiscal impact on the general fund.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because changes in the rules are required to comply with amended governing law effective July 1, 2006.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Joe Bleymaier, Administrator, (208) 334-3513.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 26, 2006.

DATED this 23rd day of May, 2006.

Joe Bleymaier, Administrator  
Division of Veterans Services  
320 Collins Rd., Boise, Idaho 83702  
Phone: (208) 334-3513; Fax: (208) 334-2627

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 21-0101-0601**